

---

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

NAIM ZIYAD CORBITT  
Plaintiff

v.

ALVIN C. ERVIN II and CRETE CARRIER  
CORPORATION and ABC COMPANIES and  
JOHN DOES and/ or JANE DOES  
Defendants

:  
:  
:  
:  
:  
:  
:  
:  
:  
:  
:

NO.

JURY TRIAL DEMANDED

---

**NOTICE OF REMOVAL**

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. §1441 and 28 U.S.C. §1446, Defendants Crete Carrier Corporation hereby removes the above-captioned action to this Court from the Court of Common Pleas of Philadelphia County, Pennsylvania.

1. Crete Carrier Corporation is a Defendant in the civil action brought on March 31, 2022 in the Court of Common Pleas of Philadelphia County, Pennsylvania.
2. This case is removable
3. Plaintiff's Complaint served on Crete Carrier Corporation on April 18, 2022. This notice of removal is filed within 30 days of receipt of the Complaint and is therefore timely under 28 U.S.C. §1446(b).
4. Pursuant to 28 U.S.C. §1446(a), Defendant attaches to this notice the Complaint, Answer with New Matter, and Answer to New Matter filed in this action.

5. Removal is based on 28 U.S.C. 1332(a) based upon a good faith belief that the amount in controversy exceeds \$75,000 and Defendants are not citizens of the Commonwealth of Pennsylvania.
6. Defendant Crete Carrier Corporation is incorporated in the State of Nebraska and has its principal place of business in Lincoln, Nebraska.
7. Defendant, Ervin is a citizen of the State of Georgia.
8. Pursuant to 28 U.S.C. 1446(c)(2), while the rules of civil procedure of the Commonwealth of Pennsylvania does not permit a demand for a specific amount, Defendants' counsel emailed Plaintiff's counsel indicating an assumption that the amount claimed is in excess of \$75,000 unless otherwise advised and to which no response was received.
9. Defendants' Counsel also forwarded a stipulation to Plaintiff's counsel to limit the damages recoverable in this matter to a maximum of \$75,000.00 which Plaintiff's counsel has not executed and returned.
10. Concurrent with the filing of this removal, Defendants are filing a copy of this Notice of Removal and exhibits with the Court of Common Pleas of Philadelphia County and is serving a copy upon Plaintiff's counsel.

Respectfully submitted,  
**MARCELLO & KIVISTO, LLC**

Douglas B. Marcello  
Douglas Marcello, Esquire  
Attorney ID No. 36510  
**Marcello & Kivisto, LLC**  
1200 Walnut Bottom Road  
Third Floor, Suite 331  
Carlisle, PA 17015  
(717) 240-4686

---

---

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

---

NAIM ZIYAD CORBITT  
Plaintiff

v.

ALVIN C. ERVIN II and CRETE CARRIER  
CORPORATION and ABC COMPANIES and  
JOHN DOES and/ or JANE DOES  
Defendants

:  
:  
: NO.  
:  
:  
:  
: JURY TRIAL DEMANDED  
:  
:

---

**CERTIFICATE OF SERVICE**

I certify that the foregoing Notice of Removal in the within action was served upon the following by email on the **16th** day of **May, 2022**.

Lauren Sherman, Esquire  
Lauren Sherman <lsherman@solomonsherman.com>  
Solomon, Sherman & Gabay  
8 Penn Center  
1628 John F Kennedy Blvd, Suite 2200  
Philadelphia, PA 19103

/s/ Douglas B. Marcello  
Douglas B. Marcello, Esq.  
**Marcello & Kivisto, LLC**